

1 THE HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BLACK LIVES MATTER SEATTLE-
11 KING COUNTY, ABIE EKENEZAR,
12 SHARON SAKAMOTO, MURACO
13 KYASHNA-TOCHA, ALEXANDER
14 WOLDEAB, NATHALIE GRAHAM,
15 AND ALEXANDRA CHEN,

16 Plaintiffs,

v.

17 CITY OF SEATTLE,

18 Defendant.

19 No. 2:20-cv-00887-RAJ

20 DECLARATION OF ELISE BARRETT IN
21 SUPPORT OF PLAINTIFFS' MOTION FOR
22 CONTEMPT

23 I, Elise Barrett, declare and state as follows:

24 1. The information contained in this declaration is true and correct to the best of my
25 knowledge, and I am of majority age and competent to testify about the matters set forth herein.

26 2. I am a resident of the Capitol Hill neighborhood and have lived in Seattle since I
27 moved here from Texas in 2011. I am a registered nurse. I am currently a nurse supervisor at
28 Seattle Cancer Care Alliance. Previously, I worked as an ICU nurse, primarily with patients who
29 were critically ill, had suffered traumatic injuries, or were undergoing major thoracic procedures
30 such as open-heart surgery.

31 BARRETT DECL. ISO MOT. FOR
32 CONTEMPT (No. 2:20-cv-00887-RAJ) -1

33 148989374.1

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1 3. On July 25, 2020, I attended a protest against police brutality in Capitol Hill as
2 part of an organized team of healthcare professionals. Our purpose was to provide medical
3 assistance to demonstrators. We are not protesters. We do not participate in marches, we do not
4 join in chants, and we do not otherwise engage with the demonstration; we attend solely and
5 specifically to provide medical support.

6 4. At this protest, our team had based itself on the lawn at Seattle Central College,
7 located at Broadway and Pine. I arrived and joined the group at shortly before 5 p.m. I was
8 wearing my nursing scrubs to make myself readily identifiable as a medic to protesters and law
9 enforcement.

10 5. Not long after I arrived, I observed police pushing protesters west on Pine. They
11 were deploying batons, pepper spray, and flashbang grenades. At one point, I heard someone
12 from the crowd calling “Medic!” so I broke off from my group and walked a little way down the
13 sidewalk alongside the retaining wall, which supports the elevated lawn, towards Pine to see if I
14 could identify who was shouting for help. The police line had moved past that point so I returned
15 to the lawn. At that point, I saw a man being pinned against the retaining wall. He was being
16 shoved with a baton by an officer, but he couldn’t retreat any further because he was trapped
17 against the wall.

18 6. Part of my responsibility as a medic is to defuse dangerous situations by removing
19 injured protesters from the center of the action. This is especially true when an injured protester
20 is unable to obey police orders to disperse because they have been incapacitated in some way. I
21 saw this as a situation where a man was injured, clearly suffering further harm as the officer
22 continued to aggressively push him, and struggling to retreat because he was pinned against the
23 retaining wall. It was my duty as a medic to help him.

24 7. What happened next unfolded in a matter of seconds.

25 8. The scene was chaotic and frightening, but I did my best to follow the de-
26 escalation training I’ve received as a nurse and demonstrate that I was not a threat. My goal was

1 to get the protester to safety while avoiding engagement with the officer. I approached with my
2 hands out and visible, my fingers widespread so that law enforcement could see that I wasn't
3 holding anything. I didn't reach toward or even make eye contact with the officer pinning the
4 protester, or with the other officers near him. I just crouched down and began to try to pull the
5 protester up the retaining wall and onto the lawn, where I could get him away from the crowd
6 and assess his injuries.

7 9. The next thing I knew, I was on the ground. Someone had hit me hard enough to
8 knock me over. In the chaos of the moment, I didn't see who it was, but when I later reviewed
9 video footage of this incident, I saw that it was likely the officer adjacent to the one beating the
10 protester, holding a canister launcher.

11 10. **At the same time, the officer beside him—who had just watched me be
12 pushed over—pepper sprayed me directly in the face. I was not a threat, I was not
13 dangerous, I was not breaking anything, or hurting anybody. I am a nurse.**

14 11. I had taken thorough coronavirus precautions and was wearing an N95 mask and
15 a pair of ski goggles, which thankfully protected me from the worst of the spray's effects. But
16 even so, I was blinded: it coated my goggles, and the skin of my face began to burn.

17 12. Somehow, I still managed to get ahold of the injured protester and drag him by his
18 armpits onto the lawn. We then staggered away to safety, and another medic rushed over to
19 assist him. I took a moment to recover on my own.

20 13. A video recording of this incident was posted on Twitter by a journalist. See
21 Tweet by Simone Del Rosario at 6:26 PM on July 25, 2020:
22 <https://twitter.com/SimoneReports/status/1287197567772553216>.

23 14. Once I was satisfied that the protester was safe, I again began observing the
24 ongoing conflict as law enforcement continued to force protesters west. The police were using an
25 astonishing amount of force. To me, the crowd did not appear threatening; it seemed like the
26 officers were being aggressive purely for the purpose of forcing protesters to retreat.

1 15. Within two minutes of the first incident, I was approached by the journalist who
2 had filmed me getting pepper sprayed. I exchanged a few words with her, but immediately heard
3 more cries of, “Medic! Medic!” and I ran to assist.

4 16. The protesters had been forced off Pine and onto Harvard, where more people
5 were pinned against the retaining wall, which is higher and steeper on that side of the lawn. A
6 few protesters had been blinded by pepper spray and were trying desperately to scale the wall
7 and clamber onto the lawn to safety. Some kind of chemical agent hung noxiously in the air
8 above the crowd; it began to burn my throat even through my mask. Flash grenades exploded in
9 rapid succession amid the retreating demonstrators. I was horrified to see as two people were hit
10 in the chest and back by flash bangs; it seemed like they had been aimed at their torso.

11 17. The situation was obviously devolving. I jumped off the lawn and onto the
12 sidewalk, where I began helping the blinded protesters hoist themselves up the retaining wall.
13 But the police kept advancing and shoving us back further down Harvard. I was caught at the
14 back of the crowd, being physically pushed forward by the line of law enforcement thronging
15 behind us—the same end of the line that had pepper sprayed and struck me earlier. They clearly
16 wanted us to move faster, but we couldn’t. The crowd in front of me was bottled too tightly to
17 move at full speed—I couldn’t do anything about it, but I kept being shoved forward and into the
18 wall, again and again. Finally, I turned my head to look back at the officers pushing me and say,
19 “I’m going as fast as I can!” Immediately, they pepper sprayed me directly in the face.

20 18. **I posed no threat. I was not wielding or brandishing a weapon. Again, I am**
21 **a nurse. And I was in fact *complying* with the police’s order to retreat, but they still**
22 **attacked me with pepper spray for no reason.**

23 19. This time, the spray completely saturated my mask. My goggles were oozing
24 with it; I could not pull air through my soaked mask, which collapsed against my mouth with
25 each attempt at a breath. My eyes and face burned, and I nearly fell as I struggled to breathe.
26 Fortunately, I knew there was a stairwell shortly ahead, and I managed to lunge for it and escape.

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1 Desperate for air, I removed my mask and goggles. The full, powerful impact of the pepper
2 spray and noxious smoke hit me.

3 20. Despite my pain and disorientation, I managed to fumble my way back to my
4 team on the lawn for treatment, where I spoke with the journalist from before and requested a
5 new mask. As I waited for more PPE, shaken but determined not to leave, I realized that pepper
6 spray had saturated my scrubs and my hip and leg ached where I had been pushed down. I rinsed
7 my clothing as best I could, masked back up, and grabbed extra saline before returning to the
8 injured. It was clear that people would continue to be seriously hurt, and that medical assistance
9 was critically needed on-site.

10 21. Just over an hour later, at approximately 7 p.m., skin still burning from pepper
11 spray, I was caught up in a group of protesters who were being pushed down the hill on East
12 Denny, towards downtown. Law enforcement was being astonishingly, indiscriminately violent.
13 They used a constant barrage of flash bang grenades and pepper spray to forcibly corral the
14 crowd further and further out of Capitol Hill. At one point, I witnessed a woman shot at close
15 range in the chest with some kind of gas canister. The force of the impact was incredible. I
16 examined her later and I suspect the hit broke her ribs.

17 22. Many people in the crowd were suffering from injuries at this point; those who
18 fell back were surrounded by knots of police. As we were forcibly marched along, I collected a
19 group of four protesters who had been absolutely drenched with pepper spray, blinded, and were
20 now literally screaming in pain. I tried to lead them out of the crowd so I could treat them with
21 saline solution, and eventually I managed to steer them into an alleyway off Boylston, where I
22 had them lie down on the pavement so I could rinse their faces and eyes. One of them, the
23 woman who had been struck with the canister, couldn't stop screaming. Another, a man, was in
24 such pain that he began retching; then he vomited.

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1 23. As I was treating them, a small group of cops from the back of the line paused at
2 the mouth of the alley. They told us that we had to leave immediately or we would be arrested.
3 This was the last straw.

4 **24. I had been repeatedly doused in pepper spray. I had witnessed nonviolent**
5 **protesters being continuously assaulted with batons, pepper spray, and flash grenades for**
6 **no other reason than their inability to immediately comply with law enforcement's**
7 **demands while under assault. I had seen multiple people struck at close range with**
8 **projectiles that could have easily shattered their bones. I now had four prone,**
9 **incapacitated, helpless people with me, screaming and vomiting from pain on the ground. I**
10 **was furious.**

11 25. I stayed calm, but told the officers that I was a nurse and that I needed to treat
12 these people. They were suffering; they were in pain; I would not abandon them or force them to
13 move when they could barely stand.

14 26. The officers continued to threaten me and my patients with arrest. But I could not
15 back down without violating my duty and my conscience. I kept repeating, "Please, let me do
16 my job. I'm a nurse. Let me treat them. Let me do my job. Please."

17 27. Finally, the officers backed off. They left the alleyway and followed the
18 retreating crowd. I—still stunned and horrified by the encounter—was able to return to treating
19 my patients.

20 28. My experiences on July 25th were deeply upsetting. None of this was entirely
21 unexpected, as I have followed coverage of the recent protests and seen how the police have
22 treated my own neighbors; I expected to be exposed to chemical agents and possibly even
23 targeted by law enforcement. But I struggle to find words sufficient for the intensity of
24 unjustified violence perpetrated by SPD on the streets of my own neighborhood. To me, the
25 force they used felt retaliatory. It felt *angry*—like law enforcement was venting their frustration
26 and rage by brutalizing people who posed no threat, making impossible demands for the

1 satisfaction of punishing their victims for inability to comply. It felt like they wanted to restore
2 their sense of control by pushing the people of Seattle beyond mere compliance into total,
3 instant, unquestioning submission.

4 **29. And it felt cruel. Targeting retreating protesters with flash grenades and**
5 **rubber bullets, dousing them with pepper spray for the slightest perceived infraction,**
6 **threatening them with arrest when they're screaming in pain and awaiting treatment by a**
7 **medic—it was all incredibly cruel.**

8 **30. I will continue supporting these protests because I believe that doing so is critical.**
9 I believe in the right of Seattle's citizens to exercise their rights without the threat of violence
10 from police. I know my skill set is needed, and I will make sure that I'm available to help those
11 who are hurting. **But I am sickened and horrified by what I know I can expect to see as I**
12 **continue these efforts. The police have been brutal.**

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15
16 Executed this 26th day of July 2020 at Seattle, Washington.

17 I declare under penalty of perjury under the laws of the United States and the State of
18 Washington that the foregoing is true and correct.

19
20 By: Elise Barrett RN

21 ELISE BARRETT